

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL DAUWALDER,

Plaintiff,

v.

J. ATHERTON, et al.,

Defendants.

Case No.: 1:24-cv-00523-JLT-SKO

**ORDER DISCHARGING ORDER TO
SHOW CAUSE FOR PLAINTIFF'S
FAILURE TO FILE AN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

(Doc. 41)

Plaintiff Daniel Dauwalder is proceeding pro se in this civil rights action pursuant to 42 U.S.C. section 1983. The action proceeds on Plaintiff's Eighth Amendment claims: excessive force against Defendants Atherton and Perez and deliberate indifference to serious medical needs against Defendants Davydov and Garmendia.

On November 17, 2025, the Court issued its Order to Show Cause (OSC) in Writing Why Sanctions Should Not be Imposed for Plaintiff's Failure to File an Opposition or Non-Opposition to Defendants' Motion for Summary Judgment. (Doc. 41.) Plaintiff was ordered to respond within 14 days. (*Id.* at 3.) On November 20, 2025,¹ Plaintiff filed a document titled "Plaintiff Opposition to Defendants Summary Judgement. Civil Procedure 56." (Doc. 42.)

//

//

¹ The document is dated and signed, and was served, November 18, 2025. (Doc. 42 at 1, 5, 8, 11.)

1 Accordingly, the Court **HEREBY ORDERS** the OSC issued November 17, 2025 (Doc.
2 41) is **DISCHARGED**.

3
4 IT IS SO ORDERED.

5 Dated: **November 21, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE